



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

RESEARCH APPENDIX - **PLEASE DO NOT REMOVE FROM DRAFTING FILE**

Date Transfer Requested: 05/10/2005 (Per: MGD)



Appendix – Part 01 of 02

☞ The 2005 drafting file for LRB 05a0465

has been copied/added to the 2005 drafting file for

LRB 05a0584

and then

☞ The 2005 drafting file for LRB 05a0584

has been copied/added to the 2005 drafting file for

LRB 05a0606

☞ The attached 2005 draft was incorporated into the new 2005 draft listed above. For research purposes, this cover sheet and the attached drafting file were copied, and added, as a appendix, to the new 2005 drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

☞ This cover sheet was added to rear of the original 2005 drafting file. The drafting file was then returned, intact, to its folder and filed.

2005 DRAFTING REQUEST**Assembly Amendment (AA-ASA1-AB183)**

Received: 04/12/2005

Received By: mdsida

Wanted: As time permits

Identical to LRB:

For: Leah Vukmir (608) 266-9180

By/Representing: Dean

This file may be shown to any legislator: NO

Drafter: mdsida

May Contact:

Addl. Drafters:

Subject: Criminal Law - drugs

Extra Copies:

Submit via email: YES

Requester's email: Rep.Vukmir@legis.state.wi.us

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Scheduling of pseudoephedrine

Instructions:

Eliminate scheduling; products behind counter; 18 and over

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	mdsida 04/28/2005	jdye 05/02/2005	pgreensl 05/02/2005		lemery 05/02/2005	lemery 05/02/2005	
/2	mdsida 05/03/2005	jdye 05/04/2005	jfrantze 05/04/2005		sbasford 05/04/2005	sbasford 05/04/2005	

FE Sent For:

<END>

2005 DRAFTING REQUEST**Assembly Amendment (AA-ASA1-AB183)**

Received: 04/12/2005

Wanted: As time permits

For: Leah Vukmir (608) 266-9180

This file may be shown to any legislator: NO

May Contact:

Subject: **Criminal Law - drugs**

Received By: mdsida

Identical to LRB:

By/Representing: Dean

Drafter: mdsida

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: **Rep.Vukmir@legis.state.wi.us**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

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/1	mdsida 04/28/2005	jdyer 05/02/2005	pgreensl 05/02/2005		lemery 05/02/2005	lemery 05/02/2005	

FE Sent For:

12/5/4 jld
6/4
END

2005 DRAFTING REQUEST

Assembly Amendment (AA-ASA1-AB183)

Received: **04/12/2005**

Received By: **mdsida**

Wanted: **As time permits**

Identical to LRB:

For: **Leah Vukmir (608) 266-9180**

By/Representing: **Dean**

This file may be shown to any legislator: **NO**

Drafter: **mdsida**

May Contact:

Addl. Drafters:

Subject: **Criminal Law - drugs**

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Vukmir@legis.state.wi.us**

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Pre Topic:

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Eliminate scheduling; products behind counter; 18 and over

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/1	mdsida 04/28/2005	lrb_editor 1/3/05 jld	5/2 py	5/2 pslle <END>			
FE Sent For:							

Dsida, Michael

From: Cady, Dean
Sent: Wednesday, April 13, 2005 2:49 PM
To: Dsida, Michael
Subject: RE: Questions regarding pseudoephedrine amendment

Hi Mike. With respect to questions in 1) - just pills, as presently spelled out in the bill; 2) - that language is just fine, good; 3) & 4) - at the discretion of the DA for enforcement and concerning penalties/violations, treat like we would for cigarettes or alcohol.

Let me know if any of this does not make sense.

Thankx a mil Mike.

Cheers,
deano

From: Dsida, Michael
Sent: Tuesday, April 12, 2005 3:53 PM
To: Cady, Dean
Subject: Questions regarding pseudoephedrine amendment

1.. What type of pseudoephedrine products do you want covered? Anything with pseudoephedrine in it? Or do you want to exclude gelcaps? Liquids? Products with other active ingredients?

2. Is this language okay?

No person may display or offer for sale X unless it is displayed or offered for sale only behind a checkout counter where the public is not permitted or within 10 feet of a checkout counter attended by a person with an unobstructed view of the package containing the substance.

3. Who should be responsible for enforcing this and the age restriction? DATCP? Local DA's?

4. Should there be a specific penalty for violating either the access or the age prohibitions? (If you don't specify one, the general penalty provision in s. 939.61 (1) would apply.)

Mike Dsida
Legislative Reference Bureau
608/266-9867
michael.dsida@legis.state.wi.us

Dsida, Michael

From: Cady, Dean
Sent: Wednesday, April 27, 2005 12:19 PM
To: Dsida, Michael
Subject: RE: Questions regarding pseudoephedrine amendment

Hi Mike, I apologize for not getting back to you right away. I would say "yes," include the defense for sale provision, it's reasonable.

Thankx again for the help!

Cheers,
deano

From: Dsida, Michael
Sent: Tuesday, April 26, 2005 10:03 AM
To: Cady, Dean
Subject: Questions regarding pseudoephedrine amendment

Should there be a defense for a sale to a minor comparable to what is in s. 134.66 (3)?



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa0465/1

MGD:.....

JLd

ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 183

5000

1 At the locations indicated, amend the substitute amendment as follows: ✓

2 1. Page 3, line 14: after that line insert:

3 "SECTION 8m. 134.61 of the statutes is created to read: ✓

4 134.61 Restrictions on sale of pseudoephedrine products. ✓ (1)

5 DEFINITION. ✓ In this section, "pseudoephedrine product" does not include any of the
6 following:

7 (a) 1. A product that contains therapeutically significant quantities of another
8 active medicinal ingredient.

9 (b) 2. A liquid or a soft gelatin capsule.

10 (c) 3. A product that the controlled substances board has determined, by rule,
11 cannot be used readily in the manufacture of methamphetamine. ✓

1 (2) PROHIBITIONS. (a) No person who sells a pseudoephedrine product at retail
2 may display it or offer it for sale unless it is displayed or offered for sale behind a
3 checkout counter where the public is not permitted or within 10 feet of a checkout
4 counter that is attended by a person with an unobstructed view of the package
5 containing the product.

6 (b) No person may sell a pseudoephedrine product or offer a pseudoephedrine
7 product for sale to a person under the age of 18.

8 (3) DEFENSE; SALE TO MINOR. Proof of all of the following facts by a person who
9 sells a pseudoephedrine product or offers a pseudoephedrine product for sale to a
10 person under the age of 18 is a defense to any prosecution for a violation of sub. (2)
11 (b):

12 (a) That the purchaser or the person to whom the product was offered falsely
13 represented that he or she had attained the age of 18 and presented an identification
14 card.

15 (b) That the appearance of the purchaser or the person to whom the product
16 was offered was such that an ordinary and prudent person would have believed that
17 he or she had attained the age of 18.

18 (c) That the sale or offer was made in good faith, in reasonable reliance on the
19 identification card and appearance of the purchaser or the person to whom the
20 product was offered, and with the belief that he or she had attained the age of 18.

21 (4) PENALTIES. (a) Except as provided in par. (b), a person who violates sub. (2)
22 is subject to a forfeiture of not more than \$500.

23 (b) If a person who violates sub. (2) committed ^{the} violation within the 12 months
24 preceding the present offense, the person shall forfeit not less than \$200 nor more
25 than \$500."

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2. Page 5, line 5: delete the material beginning *on* that line and ending *on* page 6, line 18. ✓

3. Page 7, line 6: delete lines 6 to 12. ✓

4. Page 8, line 20: delete the material beginning *on* that line and ending *on* page 9, line 9. ✓

(END)

Dsida, Michael

From: Cady, Dean
Sent: Tuesday, May 03, 2005 12:01 PM
To: Dsida, Michael
Subject: LRBa0465/1

Hi Mike. Thank you so much for getting the sub. amendment to AB 183 to Representative Vukmir so quickly, everything looks good - with one minor exception (I hate to do this to you), but Representative Vukmir would like a small change/addition.

On Page 2, under "Prohibitions" (a), lines 1-5, Representative Vukmir would also like a store to have the ability to have the pseudoephedrine out in the store aisles, much like some stores treat alcohol. I don't want to confuse the issue here, but if a store wishes to go ahead and place the product behind the counter that would be fine too. I guess that would ultimately fall under the ambit of a store policy. However, the most important aspect with the sub. Amendment is the requirement that the store may not sell the product to any person under the age of 18.

Again, thank you so much Mike, much appreciated.

Cheers,
deano



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa0465/10 (2)
MGD:jld:pg

ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 183

Span

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 3, line 14: after that line insert:

3 "SECTION 8m. 134.61 of the statutes is created to read:

4 134.61 Restrictions on sale of pseudoephedrine products. (1)

5 DEFINITION. In this section, "pseudoephedrine product" does not include any of the
6 following:

7 (a) A product that contains therapeutically significant quantities of another
8 active medicinal ingredient.

9 (b) A liquid or a soft gelatin capsule.

10 (c) A product that the controlled substances board has determined, by rule,
11 cannot be used readily in the manufacture of methamphetamine.

to minors → (B)

1

(2) PROHIBITIONS. (a) No person who sells a pseudoephedrine product at retail

2

may display it or offer it for sale unless it is displayed or offered for sale behind a

3

check-out counter where the public is not permitted or within 10 feet of a check-out

4

counter that is attended by a person with an unobstructed view of the package

5

containing the product.

6

(b)

No person may sell a pseudoephedrine product or offer a pseudoephedrine

7

product for sale to a person under the age of 18.

8

(3) DEFENSE. SALE TO MINOR. Proof of all of the following facts by a person who

9

sells a pseudoephedrine product or offers a pseudoephedrine product for sale to a

10

person under the age of 18 is a defense to any prosecution for a violation of sub. (2)

11

(b):

12

(a) That the purchaser or the person to whom the product was offered falsely

13

represented that he or she had attained the age of 18 and presented an identification

14

card.

15

(b) That the appearance of the purchaser or the person to whom the product

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was offered was such that an ordinary and prudent person would have believed that

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he or she had attained the age of 18.

18

(c) That the sale or offer was made in good faith, in reasonable reliance on the

19

identification card and appearance of the purchaser or the person to whom the

20

product was offered, and with the belief that he or she had attained the age of 18.

21

(4) PENALTIES. (a) Except as provided in par. (b), a person who violates sub. (2)

22

is subject to a forfeiture of not more than \$500.

23

(b) If a person who violates sub. (2) committed the violation within the 12

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months preceding the present offense, the person shall forfeit not less than \$200 nor

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more than \$500."



State of Wisconsin
2005 - 2006 LEGISLATURE

LRBa0465/2
MGD:jld:jf

ASSEMBLY AMENDMENT ,
TO ASSEMBLY SUBSTITUTE AMENDMENT 1,
TO 2005 ASSEMBLY BILL 183

1 At the locations indicated, amend the substitute amendment as follows:

2 1. Page 3, line 14: after that line insert:

3 "SECTION 8m. 134.61 of the statutes is created to read:

4 134.61 Sale of pseudoephedrine products to minors. (1) DEFINITION. In
5 this section, "pseudoephedrine product" does not include any of the following:

6 (a) A product that contains therapeutically significant quantities of another
7 active medicinal ingredient.

8 (b) A liquid or a soft gelatin capsule.

9 (c) A product that the controlled substances board has determined, by rule,
10 cannot be used readily in the manufacture of methamphetamine.

11 (2) PROHIBITION. No person may sell a pseudoephedrine product or offer a
12 pseudoephedrine product for sale to a person under the age of 18.

(3) DEFENSE. Proof of all of the following facts by a person who sells a pseudoephedrine product or offers a pseudoephedrine product for sale to a person under the age of 18 is a defense to any prosecution for a violation of sub. (2):

(a) That the purchaser or the person to whom the product was offered falsely represented that he or she had attained the age of 18 and presented an identification card.

(b) That the appearance of the purchaser or the person to whom the product was offered was such that an ordinary and prudent person would have believed that he or she had attained the age of 18.

(c) That the sale or offer was made in good faith, in reasonable reliance on the identification card and appearance of the purchaser or the person to whom the product was offered, and with the belief that he or she had attained the age of 18.

(4) **PENALTIES.** (a) Except as provided in par. (b), a person who violates sub. (2) is subject to a forfeiture of not more than \$500.

(b) If a person who violates sub. (2) committed the violation within the 12 months preceding the present offense, the person shall forfeit not less than \$200 nor more than \$500.”.

2. Page 5, line 5: delete the material beginning with that line and ending with page 6, line 18.

3. Page 7, line 6: delete lines 6 to 12.

4. Page 8, line 20: delete the material beginning with that line and ending with page 9, line 9.

(END)